



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

January 9, 2024

By ECF

The Honorable Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Center for Biological Diversity, et al. v. U.S. Fish and Wildlife Service, et al.*,
21 Civ. 5706 (LJL): Unopposed Third Letter-Motion to Extend Deadline to File
Motion for Attorneys' Fees and Costs

Dear Judge Liman:

On behalf of the Plaintiffs, and pursuant to paragraph 1(D) of Your Honor's Individual Practices, Local Rule 7.1(d), and Federal Rule of Civil Procedure 6(b), I respectfully write to request a third extension of the deadline to file a motion for attorneys' fees and costs until March 13, 2024, to allow the parties a reasonable opportunity to negotiate and resolve the issue of attorneys' fees and costs without the need for judicial intervention. The Federal Defendants consent to this extension request.

On September 6, 2023, the Court entered an Opinion and Order in which it granted Plaintiffs' motion for summary judgment, denied Defendants' motion for summary judgment, vacated the not-warranted finding for the eastern hellbender and remanded to the U.S. Fish and Wildlife Service for further proceedings consistent with the Opinion and Order. ECF No. 75 at 52. On September 15, 2023, the Clerk entered a Judgment in the case. ECF No. 77.

On September 15, 2023, Plaintiffs filed, and Federal Defendants consented to, a letter motion requesting an extension of the deadline to file a motion for attorneys' fees and costs by 60 days, to November 14, 2023, ECF No. 76, which the Court granted on September 18, 2023, ECF No. 78. On November 7, 2023, Plaintiffs filed, and Federal Defendants consented to, a letter motion requesting an additional extension until January 13, 2024, ECF No. 83, which the Court granted on November 8, 2023, ECF No. 84.

The parties have been negotiating the matter of attorneys' fees and costs in good faith; however, they require additional time to negotiate and attempt to reach agreement. On October 5, 2023, Plaintiffs submitted a proposal to resolve the matter of attorneys' fees and costs, which the Federal Defendants are evaluating and preparing a counterproposal. The parties will require additional time to complete negotiations, with the intent of avoiding the need for the Court's intervention. Therefore, Plaintiffs respectfully request an additional 60-day extension to March 13, 2024, to file their motion for attorneys' fees and costs.

There is good cause to grant this extension so that the parties may discuss and attempt to resolve the issue of attorneys' fees and costs without the need for judicial intervention. The parties believe the requested extension is necessary and appropriate to carry out these discussions and, if needed, file a motion for fees and costs.

Federal Defendants consent to this extension. There have been two previous requests for extensions of this deadline. There is no next-scheduled appearance before the Court.

We thank the Court for its consideration of this submission.

Respectfully Submitted this 9th day of January 2024

s/ Elise Pautler Bennett
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